

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

Sean M Hansen
Debtor

CHAPTER 13

CASE NO.: 24-13280-amc

HEARING DATE: 01/14/2025

TIME: 11:00am

LOCATION: Courtroom #4

**MOTION OF SERVIS ONE, INC., DBA BSI FINANCIAL SERVICES, FOR RELIEF
FROM THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C § 362(A) AND RELIEF
THE CO-DEBTOR STAY PROVISIONS OF 11 U.S.C § 1301 TO PERMIT MOVANT TO
COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON
39 W GARRISON RD, BROOKHAVEN, PA 19015**

AND NOW COMES, Servis One, Inc., DBA BSI Financial Services (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for from the automatic stay provisions of 11 U.S.C. § 362(a) and relief from the co-debtor stay provisions of 11 U.S.C. § 1301 to permit Movant to commence or continue its foreclosure on real property located at 39 W Garrison Rd, Brookhaven, PA 19015 (the “Mortgaged Premises”).

2. On or about October 21, 2020, Sean Hansen (“Debtor”) and Francesca Desio (“Co-Debtor”) executed and delivered to Allied Mortgage Group, Inc., a Promissory Note (“Promissory Note”) in the principal amount of \$159,065.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Debtor, Sean Hansen and Co-Debtor, Francesca Desio, granted Mortgage Electronic Registration Systems, Inc., as nominee for Allied Mortgage Group, Inc., a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the Delaware County Recorder of Deeds Office on December 14, 2020 in Book 6626

at page 1723. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the recorded Assignment of Mortgage is attached hereto and made apart hereof as Exhibit “C.”

5. On September 16, 2024, Debtor filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.

6. The Debtors in their Schedule filed October 28, 2024, states that the current value of the Mortgaged Premises is \$190,527.00.

7. Movant filed its Proof of Claim on November 14, 2024 as Claim #5. The Proof of Claim is in the amount of \$189,270.17 with pre-petition arrears due in the amount of \$44,574.10 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises

8. As of December 4, 2024, the unpaid Principal Balance on the subject mortgage account is \$153,699.06 and the total amount due to Movant is \$194,868.19.

9. The Debtor in their Chap 13 Plan, states that they will make post-petition monthly payments directly to Movant.

10. As of December 4, 2024, the current monthly payment on the Mortgage is \$1,295.00.

11. The Debtor is currently in arrears post-petition as of December 4, 2024 for failure to pay all of the post-petition mortgage payments due from October 1, 2024 through December 1, 2024 (3 x \$1,295.00), less a suspense balance in the amount of \$0.00, for a total amount due of \$3,885.00.

12. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and relief from the co-debtor automatic stay pursuant to 11 U.S.C. § 1301 as the Debtor has defaulted on post-petition payments.

WHEREFORE, Servis One, Inc., DBA BSI Financial Services respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) and relief from the co-debtor stay provisions of 11 U.S.C. § 1301 to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,
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